

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1218 OF 2005

Sou. Rukminibai Karu Nikam : Petitioner

V/s.

Manoj Shivajirao Ingale : Respondent

...

Mr.Umesh G. Deshpande for the petitioner.

None present for the respondent.

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CORAM : S.A. BOBDE, J.

June 10, 2005.

P.C.:

1. This petition is directed against the order dated 7.12.2004 allowing the respondent-landlord's application for amendment of the plaint.

2. The respondent has filed a suit for possession on various grounds, including bona fide requirement. The trial Court has allowed the amendment to the effect that the petitioner has acquired alternate accommodation. The trial Court has, therefore, observed, and in my view rightly, that this is a relevant factor for considering comparative hardship.

3. Mr.Deshpande, learned counsel for the petitioner, submitted that it is no longer available for a landlord to seek a decree for eviction on the ground that the tenant has acquired alternate accommodation. However, though this may be correct, it cannot be said that the existence of an alternate accommodation obtained by the tenant is not relevant for determining the comparative hardship.

4. The order does not suffer from any infirmity, jurisdictional or otherwise and needs no interference.

5. Accordingly, the petition is dismissed.

Sd/-

S.A. BOBDE, J.